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SENATE BILL 54

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Mary Jane M. Garcia

FOR THE WATER AND NATURAL RESOURCES COMMITTEE

AN ACT

RELATING TO WATER; PROVIDING FOR DIRECT APPEAL TO THE DISTRICT COURT OF A DECISION BY THE STATE ENGINEER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 72-2-16 NMSA 1978 (being Laws 1965, Chapter 285, Section 4, as amended) is amended to read:

"72-2-16. HEARINGS [~~REQUIRED BEFORE~~] UPON APPEAL. -- [~~The state engineer may order that a hearing be held before he enters a decision, acts or refuses to act. If without holding a hearing the state engineer enters a decision, acts or refuses to act, any~~] A person aggrieved by the state engineer's decision, act or refusal to act [is entitled to a hearing if a] may appeal to a district court pursuant to Section 72-7-1 NMSA 1978 or may request a hearing before the state engineer. The request for a hearing [is] shall be made in writing within

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1 thirty days after receipt by certified mail of notice of the
2 decision, act or refusal to act. Hearings shall be held before
3 the state engineer or his appointed examiner. A record shall
4 be made of all hearings. If a person requests a hearing before
5 the state engineer, no appeal shall be taken to the district
6 court until the state engineer has held a hearing and entered
7 his decision in the hearing. "